IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 4619 of 2005(Y)

AGAINST THE ORDER IN EP 7 2002 IN
OS.208/2000 of MUNSIFF COURT, PEERUMEDU

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PETITIONER:

GOVINDASAMI THEVAR, AGED 60 YEARS,
S/O. VEERAPUTHRAN, KAPPIKATTIL HOUSE,
PERIYAR VILLAGE, PEERUMEDU, IDUKKI DIST.

BY ADV. SRI.T.A.UNNIKRISHNAN
SMT.RESHMI POULOSE

RESPONDENT:

SHANMUGHAM, S/O. CHINNATHAMPI,
KAPPIKATTIL HOUSE, MURUKADI KARA, KUMALI VILLAGE,
PEERUMEDU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 4619/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE E.P. WITH THE ENDORSEMENT MADE BY THE COURT BELOW.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.4619 of 2005

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Dated: 18th June, 2007

JUDGMENT

The order of the execution court directing arrest of the petitioner on a finding that the petitioner has not discharged the decree debt in spite of sufficient means is under challenge. The E.P. claim was above Rs.18,000/-. The definite case of the petitioner is that during the pendency of the E.P. he has paid more than Rs.16,000/-. Even though notice was issued to the respondent he has not entered appearance to resist the prayers. Under these circumstances, the Writ Petition will stand disposed of issuing the following directions:

The execution court will verify whether the claim of the petitioner that during the pendency of the E.P. he has paid more than Rs.16,000/- is correct. If the verification reveals that the petitioner has paid at least Rs.15,000/-, the court below will permit the petitioner to discharge the balance amount in equal monthly instalments of Rs.500/- commencing from 16.7.2007. But if the verification reveals that he has not paid at least Rs.15,000/-, then the impugned order will stand confirmed. Anything stated hereinabove

will not preclude the parties from settling the issue between themselves.

srd **PIUS C.KURIAKOSE, JUDGE**